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MR. PRESIDENT :—" But this is not a Government Bill in the first instance."

THE HON. SRI K. MADHAVA MENON :—" Mr. President, it is true the Hindu Code is very near completion but the circumstances under which the Note appeared require explanation. The Government appointed a Committee on the Thiya Makkathayam Bill and they sent a report with a draft Bill and even the Committee said that they have taken the Hindu Code as a model. The consent of the Governor-General was needed for its introduction here because there were certain provisions repugnant to other enactments. The Government of India replied that it would be mere waste of time to introduce it in the Provincial Legislature because the Hindu Code will cover the reform of the Thiya personal law. In fact the Committee themselves said that they were taking certain provisions from the Hindu Code as a model for their draft Bill. That is the reply we got and so the statement was issued.

" So far as this Bill is concerned, this is a private Bill and just as the Aliyasanta Bill which has been passed by the Assembly and may become infructuous if the Hindu Code is passed. It is for the House to decide whether we can proceed with the Bill or not."

MR. PRESIDENT :—" I suppose the Government are not taking any definite stand on the matter? "

THE HON. DR. T. S. S. RAJAN :—" When the Bill was introduced I explained the Government's view point. This is a non-official Bill and as far as the parties are concerned, the Government have not issued any Whip and have given the Members the liberty of voting as individuals and might vote as they please. As far as the Government are concerned, this is a non-official Bill and they are not directly interested in it and we have allowed the Members to vote as they like."

SRI C. N. MUTHURANGA MUDALIYAR :—" Mr. President, I am sorry I have to raise a point of order once again. We were given to understand that the demands for grants for excess expenditure would be taken up and we did not know that the Bigamous Marriages Bill will be taken up for consideration to-day. Moreover, it is a non-official Bill and it is not the usual practice to take up non-official Bills on official days. We are not prepared for it and as a matter of fact, I am not prepared for it and I cannot say for others. The agenda was not sent to me and I have not seen the agenda yet in which this Bill has been set down for to-day. I submit, Sir, it is not fair to bring it now. I was all along under the impression that the Bill will be taken up on a non-official day, the next non-official day. So, I request that the consideration of the Bill might be postponed."

MR. PRESIDENT :—" So far as the first point is concerned, the statement of Demands for Grants for Excess Expenditure has

already been presented to the House and a discussion has been announced to take place on the 22nd instant and there is no need for a notice to be given of the date on which the discussion will take place.

"As regards this Bill, the agenda has been circulated to the Members to their local addresses and it has been stated that the discussion on the motion for consideration of the Bill will be resumed. I do not know why the hon. Member has not received it. It was sent to the Members to their local addresses day before yesterday."

SRI C. N. MUTHURANGA MUDALIYAR :—"It was only with reference to the excess expenditure."

MR. PRESIDENT :—"The agenda includes this Bill also and if the hon. Member thinks it is not there, I do not know which agenda he looked into."

THE HON. SRI K. MADHAVA MENON :—"If the hon. Member wants more time, he can take another day for offering his suggestions and meanwhile discussion of the Bill might go on."

MR. PRESIDENT :—"But I just want to know from him if he is correct in saying that this is not found in the agenda."

SRI C. N. MUTHURANGA MUDALIYAR :—"That is my recollection ; I have not seen it, Sir."

MR. PRESIDENT :—"But have you seen the agenda?"

SRI C. N. MUTHURANGA MUDALIYAR :—"I saw the agenda, Sir."

MR. PRESIDENT :—"The agenda contains this item also."

SRI M. NARAYANA MENON :—"It is there in the copy received by me, Sir."

MR. PRESIDENT :—"I do not know how it is that it is not in the copy received by the hon. Member."

MRS. MONA HENSMAN :—"Presumably the hon. Member did not turn over the page to the other side. Certainly, Sir, you do not expect those of us who have already spoken to speak to-day."

MR. PRESIDENT :—"I do not want any help from you in that matter! No.

"As a matter of fact, Mr. Muthuranga Mudaliyar has already spoken on this Bill and I do not think that this unpreparedness is going to have any effect upon the Bill now."

SRI C. N. MUTHURANGA MUDALIYAR :—"Even then, Sir, I may be permitted to speak on the amendments."

MR. PRESIDENT :—"The only question before the House now is that it should be taken into consideration. I have already told the House that we shall be rising at 4-30 and I do not expect

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that the motion for consideration would be finished to-day. Therefore, I programmed to take this Bill to-morrow also and if any hon. Member is not prepared to take part in the discussion to-day, he can have the opportunity to-morrow and so, no Member need be anxious that he will not have enough time to discuss this Bill to the extent he would like. The discussion will now proceed and if it is the opinion of the House that the discussion on the motion might be continued to-morrow also, I have no objection.''

THE HON. DR. T. S. S. RAJAN :—'' Apart from the statement of excess expenditure, there was not much work for the Council to-day. I was approached by Members who were interested in the Bill with a request whether I will not allow this non-official Bill to be taken up to-day and I agreed and therefore, it is that the discussion has been put down in the agenda for to-day. We are quite willing to carry on if necessary the discussion to to-morrow also but in the interests of quick disposal, I think it would be better that this Bill is discussed now.''

* SRI S. A. S. RM. RAMANATHAN CHETTIYAR:—'' தலைவர் அவர்களே, இப்பொழுது . . ."

MR. PRESIDENT :—'' மைக்குக்கு கொஞ்சம் தூரமாக இருந்து பேசுங்கள்.''

* SRI S. A. S. RM. RAMANATHAN CHETTIYAR :—'' தலைவர் அவர்களே, இப்பொழுது இரண்டாவது தாரமாக கல்யாணம் பண்ணிக்கொள்ளக் கூடாது என்று ஒரு 'பில்' வந்திருக்கிறது. நியாயமாக இருந்தாலும் அல்லது அவசியம் ஏற்பட்டால் சரியான காலத்தில் இரண்டாவது கல்யாணம் பண்ணிக்கொள்வது அவசியம். அப்பொழுதுதான் தேசத்தின் சைன்யம் உற்பத்தியாகும். ஏனென்றால் தேசத்திற்கு பணம் எவ்வளவு அவசியமோ அவ்வளவு சைன்யங்கள் வேண்டியதும் அவசியம். இதரர்கள் எவ்வளவோ கல்யாணங்கள் செய்துகொள்ளுகிறார்கள். (Some interruption) ஏதாவது நான் பேசுவதில் கஷ்டமிருந்தால் நான் நிறுத்திவிடுகிறேன். சத்தம் பெரிதாக இருக்கிறது. நான் இங்கிலீஷில் பேசினால் எல்லோரும் சும்மா இருப்பார்கள். தாய் பாஷையில் பேசுவதால் எல்லோருக்கும் அலட்சியமாக இருக்கிறது." (Laughter.)

DR. V.K. JOHN :—'' நீங்கள் தெலுங்கில் பேசுங்கள்."

* SRI S. A. S. RM. RAMANATHAN CHETTIYAR :—'' எனக்கு தெலுங்கு தெரியாது."

MR. PRESIDENT :—'' நீங்கள் தமிழிலேயே பேசுங்கள். எல்லோரும் கேட்பார்கள்."

* SRI S. A. S. RM. RAMANATHAN CHETTIYAR :—'' இரண்டாவது கல்யாணம் பண்ணிக்கொள்ளவேண்டியது நியாயமாக இருந்தால் அவசியம் தான். அதை மறுக்கவே முடியாது. எவ்வளவோ பேர்கள் இதர மதத்தினர்கள் 4, 5 கல்யாணங்கள் பண்ணிக்கொண்டு 20, 25 குழந்தைகளைப் பெற்று தேசத்தின் சைன்யத்தை வளர்த்து வருகிறார்கள். இப்பொழுது சைன்யம் ரொம்ப இருக்கின்றன, ஜனங்கள் ரொம்ப இருக்கின்றன. இனிமேல் வேண்டாம் என்றும் அதற்காக Birth Control வேண்டும் என்றும் சிலர் சொல்லுகிறார்கள். நாம் இப்பொழுது சுயராஜ்யம் அடைந்திருக்கிறோம். இப்பொழுது தேசம் இருக்கும் நிலைமையில் சைன்யங்கள் ஜாஸ்தி வேண்டியதாக இருக்கிறது. இப்பொழுது இருக்கும் குழந்தைகள் துப்பாக்கியைக்கண்டு பயப்படுகிறார்கள். இது வரையில் அன்னியருடைய ஆட்சியிலி

ருந்ததால் அவர்கள் துப்பாக்கியைக்கண்டு பயந்துகொண்டிருந்தார்கள். இப்பொழுது நாம் சுயராஜ்யம் அடைந்துவிட்டதால் இப்பொழுதிருந்தே சைன்யத்தைப் பெருக்கி குழந்தைகளை துப்பாக்கிக்கு பயம் இல்லாமல் கொண்டுவரவேண்டும். ஆகையால சைன்ய உற்பத்திக்கு சரியான படியாக இரண்டாவது கல்யாணம் செய்து கொள்ளவேண்டியது அவசியம் தான்.

" தவிர விவாக ரத்து விஷயமாக நமது தேசத்திற்கும் மற்ற தேசத்திற்கும் கொஞ்சம்கூட பொருத்தமே இல்லை. வெள்ளைக்காரர்களுடைய தேசத்திலிருக்கிறது என்றால் வெள்ளைக்காரர்களுடைய தேசத்தில் ஆண்களும் பெண்களும் சரிசமமாக படித்தவர்களாக இருக்கிறார்கள். இப்பொழுது நம் தேசத்தில் பார்த்தால் படித்தவர்கள் ஆண்களில் நூறுக்கு 12 பேர்களும் பெண்களில் நூறுக்கு 3 பேர்களும்தான் படித்து இருக்கிறார்கள். இந்த நிலைமையில் கல்யாணரத்து வேண்டுமென்று சொல்லுவது சரியல்ல. அது ஏற்பட்டால் சாதாரணமாயுள்ளவர்கள் மனுப்போட சந்தர்ப்பம் ஏற்படும். இந்த வெள்ளைக்கார நாகரீகத்தை பத்து வருஷங்கள் நிறுத்தி வைத்து நம் தேசத்தை நன்றாக வாழவிடவேண்டும். நம் தேசம் நல்ல நிலைமைக்கு வந்தவுடன் அவசியமிருந்தால் இதைச்செய்துகொள்ளலாம். ஆகையால் தயவுசெய்து இந்த 'பில்'லை பத்து வருஷங்களுக்கு தள்ளி வைக்கும்படியாக கேட்டுக்கொள்ளுகிறேன்."

3–45 p.m. MR. PRESIDENT :—" May I request Mr. Muthuranga Mudaliyar to look into the agenda before him and tell me if that is the kind of paper he received before? "

(AN HON. MEMBER :—" That is all over.")

MR. PRESIDENT :—" That is not the point. I want to know whether things are done properly in the office or not."

SRI C. N. MUTHURANGA MUDALIYAR :—" No, Sir, I have not seen this paper. I am seeing it for the first time. (Laughter.) If hon. Members disbelieve my statement I cannot help it."

MR. PRESIDENT :—" The hon. Member need not be angry with me or with the hon. Members. I shall be much obliged if he will kindly check the paper in his hand and say whether he had received the same agenda paper that is now before him or not? "

SRI C. N. MUTHURANGA MUDALIYAR :—" I will certainly check it up at my house and let you know the same."

* SRI B. BHIMA RAO :—" Sir, I want to make a few observations with regard to the Bill sponsored by my old friend, Mr. Kaleswara Rao. We have got almost similar provisions in the Hindu Code which was introduced in the Central Legislature and which might have been passed into law by this time but for the accession of various States, whose opinion also, the Legislature thought it fit, should be ascertained before enacting the measure. There is one important provision, Sir, in the Hindu Code Bill No. 42 of 1947 which nullifies legislation like this eventually. I am referring to clause 4 of that Hindu Code which runs as follows :—

> '*Save as otherwise expressly provided in this Code, any text, rule or interpretation of Hindu Law, or any custom*

or usage or any other law in force immediately prior to the commencement of this Code shall cease to have effect as respects any of the matters dealt with in this Code.'

Hence, Sir, the House will see that the object of the Central Legislature is to pass a uniform measure of Hindu Law applicable to the whole Dominion of India. Therefore, if measures like this are passed eventually, it will be practically of no utility whatsoever. And I do not think it will take much time for the Central Legislature to enact the measure which has already been introduced and it may be passed within six months or by the end of the year.

"Now, coming to some of the detailed provisions, I have to point out that the present Bill is only a part of the measure contained in the Hindu Code. For instance, Sir, clause 4 of the Bill before us, is a replica of clause 28 of the Hindu Code. Similarly, the portion thereof under sub-clause (2) of that clause corresponds to clause 25 of the Hindu Code. Similarly also clause 5 of the present measure corresponds to clause 30 of the Hindu Code. So also clause 5, sub-section (4) corresponds with clause 42 of the Hindu Code. I need not enumerate all the other details. The other clauses are taken from the provisions contained in the Hindu Code. Only the Hindu Code deals more elaborately. It contains more conditions and clauses than are contained in this Bill. Therefore, I request Mr. Kaleswara Rao to consider the necessity of proceeding with this measure when a like measure is before the Central Legislature and which will be enacted into law in the near future. I leave that decision to him.

"As for the merits, I do not think there will be any difference of opinion as the provisions contained in the Bill are also found in the Hindu Code. I feel that we can avail more by the passing of the Hindu Code into law than by the present Bill. And if that is not accomplished soon, then we may consider the present measure."

SRI M. NARAYANA MENON :—"Sir, I feel that this legislation should be taken up even now. It is true that the Hindu Code or rather the Codification of the Hindu Law is before the Central Assembly. As a Bill it may be passed or it may not be passed. Of course, the provisions here and the provisions in that Bill are practically the same. If the present Bill is passed into law, the persons aggrieved will get the benefit of this Bill. Now, if this is not passed into law, we will have to await the result of the Hindu Code in the Central Legislature. Hence, there is no harm in passing this measure. I submit, therefore, that this legislation may be taken into consideration and not simply be put off in view of the fact that the Hindu Code is under consideration in the Central Assembly."

MR. PRESIDENT :—"I suppose the discussion is over."

SRI N. RANGA REDDI :—"Sir, I would like to reply."

MR. PRESIDENT :—"Yes, you can speak."

SRI N. RANGA REDDI :—"Mr. President, Sir, this Bill has been debated at very great length by the hon. Members of

this House. So far as the points that have been raised in this Bill are concerned, I have already answered those objections when introducing the Bill. One or two points I would like to say at present. My hon. Friend, the Leader of the Opposition, attacked the provision relating to divorce on the ground of lunacy."

Dr. V. K. JOHN :—" Why do you refer me as the Leader of the Opposition? "

Sri N. RANGA REDDI :—" You said that you were speaking as the Leader of the Opposition."

Dr. V. K. JOHN :—" I did not say so."

Sri N. RANGA REDDI :—" Very well. Sir, one of the main provisions of the Bill is that a husband can seek a divorce if his wife has been a lunatic for five years, as she will not be fit for marital functions. Instead of curing her mentally, he can get a divorce and then keep her away from his company. Dr. John says that that should not be the case. He wants to give the man the right to marry again. Let me answer his point. He may get a divorce from his wife but still he has got the burden of supporting her till that divorced wife marries a second husband and it is a matter of serious doubt whether a divorced wife who is insane can secure another husband. Therefore, I do not think that a husband can take the step of divorcing her and further even if she is divorced, she can get suitable maintenance and that maintenance is based on various factors such as the status of the husband and so on. Hence, I submit that the provision relating to lunacy also is quite justified and I do not think that the husband can easily divorce his wife.

" Another point mentioned by Dr. John was with regard to monogamy. According to that practice, Dr. John wanted that that man also be allowed to marry. There is no need to enforce a provision like this. So far as this point is concerned, so many members of this House have spoken on it. If you want to prevent this bigamy and if you want to make monogamy the rule or law, when a woman refuses to marry, then there is no need to legislate at all. I submit, we have to provide for cases where these girls are not independent and who cannot choose their own husbands but who are made wives of other people not of their own free-will but by the consent of the interested people and very often they are married to old people. I am really surprised at the opposition to this Bill mainly coming from the old members of this House. The Bill having been passed by the younger members of the Assembly, I thought that there would not be any opposition to this Bill in this House. But now I see that old members of this House are vociferous in their opposition to this Bill."

Dr. V. K. JOHN :—" Mr. Muthuranga Mudaliyar has started the opposition."

Sri N. RANGA REDDI :—" Another objection is that, for the sake of progeny if the first wife does not bear any children, the

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husband must be allowed to marry a second time. I have nothing more to say except that this point has been answered by Mrs. Mona Hensman and other Members of this House. Besides, there is no guarantee that the second wife will bring forth any children.

"In some quarters it has been contended that very often the second marriage is being arranged with the consent of the first wife. I really wonder what else the first wife can do under the circumstances. When the husband has already decided to marry again, she has no other option but to give her consent gracefully in order to keep her dignity, honour and integrity. She may not voluntarily give her consent out of her own free will. Then, Sir, my hon. Friend, Mr. Suryanarayana Rao, while giving his 4 p.m. entire support to the Bill said that there was no provision in it relating to judicial separation. I want to remind him that this is not a comprehensive Bill in the sense that provisions relating to marriage and divorce are found in one and the same Bill. If you want to search for provisions relating to marriage, maintenance and the like, you do not find all those things here. This Bill mainly deals with the prohibition of bigamous marriages and divorce. For other provisions you will have to go to the Hindu Code. I may also submit that there is already a Central Act of 1946 called the Hindu Married Women's Right to Separate Maintenance and Residence, according to which a married woman can get maintenance and live separately from her husband on various grounds which I have already enumerated when I introduced this Bill. Therefore, it will tantamount to judicial separation and my hon. Friend Mr. Suryanarayana Rao need not think that there is no provision in this Bill for judicial separation.

"Then, Sir, my hon. Friend, Mr. Govindachari, said that educated girls will be at a disadvantage because young men may not like to marry before the ages of 22 and 25. If really an educated girl thinks of marrying and can get a suitable husband she will certainly marry. I do not think all young men are marrying between the ages of 22 and 25 and there are people who marry much later and such boys will certainly prefer to have an educated wife and so I do not think that girls will be at a disadvantage and that they will not be able to secure husbands.

"What I beg to submit in this connexion is, that it is the economic dependence, as it were, of the woman on the man that makes her practically a slave. She is not able to assert herself in all things that affect her welfare and therefore the consent she gives cannot be taken as true consent. She has not got any property of her own and she cannot make her living independently but has to depend on her husband. So long as such a state of affairs continues like that, the State has to intervene and set right the difficulties under which the woman is labouring. It is in that spirit that I propose that this Bill be considered. It is not a measure of competition with the man; because man has certain rights and the woman must have some rights for her. It is only in that spirit I am introducing this Bill. Since a married woman's happiness and misery mainly depend on her husband, as a sort of

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protection a law has to be introduced to set right these things. Therefore, I submit, this Bill is very necessary and I hope that all the Members of this House would give their consent and vote for this Bill."

MR. PRESIDENT :

" The motion—

'that the Bill to prohibit bigamous marriages among and to provide for a right of divorce for Hindus in the Province of Madras (L.A. Bill No. 6 of 1947) as passed by the Assembly, be taken into consideration at once'

was put and declared carried."

Sri S. B. Adityan demanded a poll and the House divided thus :

Ayes.

1 The Hon. Dr. T. S. S. Rajan (Minister and Leader).
2 The Hon. Sri K. Madhava Menon (Minister).
3 The Hon. Dr. S. Gurubatham (Minister).
4 M. Narayana Menon.
5 L. Subbarama Reddi.
6 P. Veerabhadraswami.
7 N. Sankara Reddi.
8 Dr. U. Rama Rao.
9 M. Sudarsanam.
10 M. K. Sundarama Ayyar.
11 B. Narayanaswami Nayudu.
12 A. Gopalakrishnayya.
13 Mrs. M. Hensman.
14 Mrs. M. N. Clubwala.
15 R. Suryanarayana Rao.
16 A. R. L. Pathy.
17 N. Ranga Reddi.

Noes.

1 Ramanathan Chettiar.
2 S. K. Satagopa Mudaliar.
3 N. Venkatachalamaji.
4 C. N. Muthuranga Mudaliyar.
5 A. Govindacharlu.
6 C. Perumalswamy Reddiyar.
7 H. M. Jagannathan
8 S. B. Adityan.
9 V. Nagappa Chettiyar.
10 J. L. P. Roche Victoria.
11 G. Venkata Reddy.
12 C. Veerabhadra Rao.

Neutrals.

1 B. Bheema Rao.
2 Dr. V. K. John.
3 Abdul Latif Farookhi Sahib.
4 Dr. Syed Tajuddin Sahib.
5 K. T. M. Ahmed Ibrahim Sahib.
6 A. S. T. F. Rodriguez.
7 V. Hamid Sultan Maricair Sahib.
8 D. Krishnamurthy.

Ayes 17 ; *Noes* 12 ; *Neutrals* 8.

The motion was carried.

DR. V. K. JOHN :—" On a point of order, Mr. President. Is it in order for the Hon. Leader of the House to say that neutrals have lost their sex ? "

THE HON. SRI K. MADHAVA MENON :—" He said so in order to distinguish them from neuters."

MR. PRESIDENT :—" I have my own doubts whether in connexion with this Bill they can be called neutrals or something else.

" The discussion on the clauses will be taken up to-morrow."

The House then adjourned to meet again at 11 a.m. on Wednesday, the 19th January 1949.